

REMARKS

Claims 1-29 are pending in this Application. A Non-Final Office Action dated December 27, 2004, rejected Claims 1-29. A response to this Office Action was not timely filed, and a Notice of Abandonment was mailed on August 5, 2005.

A Petition to Revive the instant application is being filed concurrently herewith this Amendment along with a declaration that the entire period of delay in responding the last Office Action was unintentional.

The last Office Action objected to the Specification and Claims 4, 6, 10, 16, 18, and 27 because of informalities. In response, the Specification has been amended to comply with all of the objections; and paragraph 0018 has also been amended to correct a grammatical error. Additionally, Claims 4, 6, 10, 16, 18, and 27 have been amended to correct the identified informalities.

Moreover, Claims 1, 2, 6, 7, 9, 13, 14, 18, 21, 25, and 27 have been amended to further clarify the claimed invention. No new matter is added by way of this amendment. For at least the reasons discussed in detail below, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Objection to Specifications:

The Office Action has objected to the Specification for informalities. The Specification has been amended to change "cyclic" to "cyclic." Applicants also request that Paragraph 0018 of the Specification be amended to correct a grammatical error. The word "and" should be removed from the first sentence of the paragraph. A copy of the proposed amended to the Specification is listed above.

Objection to Claims 4, 6, 10, 16, 18, and 27:

In regard to informalities, the instant Office Action objected to Claims 4, 6, 10, 16, 18, and 27. The Office Action recommends amendments to Claims 4 and 16 to correct the tense of the word “exceed.” Claims 4 and 16 has been amended accordingly.

The Office Action also objected to Claims 6 for a lack of antecedent basis for the terms “the processor.” Claim 6 has been amended to read “a processor.” Additionally, the Office Action has objected to Claim 10 because the term “computer” should be “computing.” Claim 10 has been amended accordingly.

Furthermore, the Office Action objected to Claim 27 for a lack of antecedent basis for the terms “each supported reduction factor,” and because the term “cylic” should have been spelled “cyclic.” In response, Claim 27 has been amended to address these objections and clarify the subject matter of the claimed invention.

Claim Rejections - 35 U.S.C. § 112

The Office Action has rejected Claims 6, 10, 18, and 22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action suggests that Claims 6 and 18 disclose the “computing a reduction factor,” but the term “reduction factor” is only mentioned as an equation on Page 7, lines 12-13 of the Specification without an explanation on how a “reduction factor” should be used in the claimed invention. Claims 10 and 22 are rejected because they depend on Claims 6 and 18, respectively.

In response, Applicants have amended Claims 6 and 18 to include computing a “drop factor” instead of a “reduction factor”. The drop factor term is well described in the Specification. Also, a fair reading of the relevant paragraphs of the Specification makes it clear that the drop factor and reduction factor should be considered interchange terms. Therefore, for at least this reason,

amended Claims 6 and 18, and Claims 10 and 22 which depend from Claims 6 and 18, respectively, now meet the enablement requirement.

The Office Action has rejected Claims 6, 10, 18, 22, and 27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Office Action suggests that Claims 6 and 18 disclose the “computing a reduction factor,” but there is no post solution activity claimed that uses the “reduction factor.” Claims 10 and 22 depend from Claims 6 and 18, respectively, and are also rejected for similar reasons. Applicants have amended Claims 6 and 18, such that “reduction factor” is now “drop factor”, and have added the further limitation of “enabling the dropping of a packet based on the drop factor.” This limitation clearly recites a post solution activity using the “drop factor.” Therefore, for at least this reason, Claims 6 and 18, and Claims 10 and 22 which depend from Claims 6 and 18, respectively, are now in condition for allowance.

Claim Rejections - 35 U.S.C. § 102(e)

The Office Action has rejected Claims 1, 7, 8, 11-13, 19, 20, 23, and 24 under 35 U.S.C. § 102(e) as anticipated by Aimoto (U.S. Patent No. 6,570,876).

Applicants respectfully submit that the prior art does not anticipate nor render obvious the claimed invention. Briefly, independent Claim 1 as amended, recites a method that performs the step, among others, of “determining a total load estimate of the plurality of flows on a scarce resource, wherein determining comprises aggregating a plurality of normalized flow load estimates for each of the plurality of flows based on a corresponding one of a plurality of cost scaling factors.” As supported in the Specification, “the cost is used as a scaling factor to normalize the load of a flow.” Specification, page 5, paragraph 0013.

Unlike amended Claim 1, Aimoto does not disclose or suggest aggregating a plurality of normalized flow load estimates for at least one of the plurality of flows based on a plurality of cost scaling factors. Thus, Aimoto can not anticipate nor make obvious amended Claim 1 and this claim is

now in condition for allowance. Additionally, since amended independent Claim 13 is substantially similar to amended Claim 1 in some ways, albeit different in other ways, it is also allowable for at least the same reasons.

Furthermore, Claims 7, 8, and 11-12, depend either directly or indirectly from Claim 1, and are allowable for at least the same reasons as Claim 1, upon which they depend. Additionally, since Claims 19, 20, 23, and 24 depend either directly or indirectly from Claim 13, these dependent claims are also allowable for at least the same reasons as discussed above.

Claim Rejections - 35 U.S.C. § 103

The Office Action rejected Claims 2, 14, and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over Aimoto in view of Veres et al. (U.S. Patent No. 6,614,790, hereinafter "Veres"). Also, the Office Action rejected Claims 3-5 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Aimoto in view of Choudhury et al. (U.S. Patent No. 6,092,115, hereinafter "Choudhury"). Furthermore, the Office Action rejected Claims 9 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Aimoto in view of Rodriguez-Moral (U.S. Patent No. 6,260,072 B1).

However, in view of the amendments to the independent claims upon which these claims respectively depend, these rejections are now moot. None of the cited references support an understanding of normalization and scaling as taught by the claimed invention. Therefore, Claims 2-5, 9, 14-17, 21, and 25-29 are now in condition for allowance.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has addressed fully all of the concerns expressed in the Non-Final Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

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Respectfully submitted,

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